

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH HEYWARD : CIVIL ACTION
v. :
CITY OF PHILADELPHIA, *et al.* : NO. 20-530
: :
: :

ORDER

AND NOW, this 23rd day of December 2020, upon considering Defendants' Motion to dismiss (ECF Doc. No. 21) the amended Complaint (ECF Doc. No. 20), and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion (ECF Doc. No. 21) is **GRANTED in part and DENIED in part**:

1. We **grant** Defendants' Motion (ECF Doc. No. 21) dismissing all claims against the City and dismissing the Equal Protection claim against the individual officers without prejudice;
2. We **deny** the Motion (ECF Doc. No. 21) as to the procedural due process claim against the individual officers who shall answer the remaining allegations no later than **January 15, 2021**; and,
3. On or before **January 20, 2021**, the individual Defendants shall mail a proposed discovery plan on the remaining procedural due process issues to the Plaintiff at his facility to aid our scheduling of an initial pretrial conference and file a certificate of service demonstrating compliance with this obligation no later than **January 21, 2021**.


KEARNEY, J.